

Course Outline

COURSE:	LAWS 4607A
TERM:	Fall 2022
PREREQUISITES:	LAWS 2908 or PAPM 3000, LAWS 2502 and Fourth-Year Honours Standing
CLASS:	Day&Time: Mondays @ 8:35 am – 11:25 am Room: Richcraft Hall 3228
INSTRUCTOR:	Gülay Kilicaslan (she/her)
CONTACT:	Office: 598 Loeb Building Office Hrs: Mondays 11:45am – 1:30pm <i>OR</i> By Appointment Telephone: (613) 520-2600 ext: 8069 Email: GulayKilicaslan@cunet.carleton.ca

CALENDAR COURSE DESCRIPTION

Immigrants and refugees; demographics; Canadian, international and human rights law and policy. The Canadian Immigration Act. Legal and social problems including entry and removal, family reunion, citizenship, remedies, the rights of clandestine migrants; settlement rights; non-discrimination; asylum; a nation's right to determine membership.

COURSE DESCRIPTION

Contemporary migrations, particularly the cross-border movements, result in challenging theoretical, methodological, legal and policy debates. This seminar course is designed to provide students with a comprehensive introduction to the studies of im/migration and refugee from a socio-legal perspective by focusing on these debates. They are particularly relevant to the national image of Canada where the figures of immigrants and refugees constitute the backbone of multiculturalism discourse. In this seminar course, we will examine the migration regime as well as immigration and refugee law in relation to discussions on extraterritorial membership, political community and governance; partition of nation, location, and identities; immigrant settlement and incorporation; im/migrant rights advocacy, state and subnational regulations, and rise of anti-immigrant discourse; the production of borders, immigrant figures and migrant “illegality”; im/migrant and refugee deservingness; bordering and migration management; criminalization of im/migrants and securitization of borders; and so forth. Many of these debates are marked by boundaries and bordering attempt, whether at the level of legal and political boundaries, national borders or social boundaries related to belonging, rights and membership.

This seminar course will begin with an overview of the approaches to migration which also discuss factors leading to migration and legal contexts in which migration is being governed. The terms of nation-state, border violence, settler colonialism, and assimilation will be briefly discussed in the first two seminars. Next, we will turn to the policies that govern migration and borders to study how they have affected migrant flows and the ethno-racial makeup of host societies. We will also examine the socio-political contexts in which these policies are created and enacted. In the next part of the seminar course, we will study migration in relation to race, class, gender, and religion. Furthermore, we will discuss how migrants settle into host societies and how those societies respond, in doing so we will critically engage in debates on assimilation, integration and multiculturalism. Finally, the seminar course ends by examining how migration alters ethno-racial boundaries and affects group membership and how migrants mobilize for their rights. These topics will be examined from a theoretical perspective and illustrated by empirical examination of lived experiences of immigrants and refugees, particularly in Canada.

COURSE SPECIFIC LEARNING OBJECTIVES

- 1) To understand border construction, migration regime, and refugee law in a historical context
- 2) To develop critical analysis of national and global legal frameworks of and policies on im/migration related issues
- 3) To understand how migration has impacted social, economic, political, and cultural dynamics of Canadian society
- 4) To be able to extend critical race, gender, and class analyses to immigration and settlement related issues
- 5) To learn about im/migrants' experiences and im/migration policies from primary sources of knowledge

REQUIRED TEXTS

All course materials and instructions about the course assignments will be made available on Brightspace prior to the first week of the course.

Reading assignments include book chapters and articles from diverse sources. In planning the readings, I have planned for the use of additional resources including video, film, or documentary presentations or guest speakers. We may have guest speakers who might suggest additional readings, so I have added quick notes for these weeks to be announced prior to the seminars.

LEARNING ACTIVITIES & ASSIGNMENTS

The primary objective of the learning activities is to enhance your skills in theoretical analysis and engaged/critical reading and writing of texts. In assessing your learning, I will pay particular attention to the following factors:

1. An active level of participation.

2. Evidence of your ability to integrate new knowledge and to effectively communicate your understanding in writing.
3. Evidence of your ability to critically analyse and engage with alternative perspectives.
4. Quality, clarity, and engagement in writing.

Tips for Reviewing Reading

In reviewing each reading, think about the following questions:

- What is the author's main argument?
- How does the author support her/his/their argument?
- How does the author define key concepts?
- What are the political, personal, and intellectual implications of the author's arguments?
- What is your critique of the author's argument, assumptions, evidence?
- What questions do this reading raise for you?
- What did you learn from this reading?

EVALUATION

Standing in a course is determined by the course instructor, subject to the approval of the Department and of the Faculty Dean. This means that grades submitted by the instructor may be subject to revision. No grades are final until they have been approved by the Department and the Dean.

Course Component	Weight	Due Date
Participation	20%	N/A
Reflection Papers (2)	10% x2= 20%	Chosen Week
Group Presentation of Readings	15%	Chosen Week
Research Paper Outline	10%	November 7
Research Paper	35%	December 16

◇ **Participation (20%)**

We will hold weekly class discussions on Monday mornings from 9:00am to 11:25am. To help with easing the Monday blues, the classes will start at 9:00am. You will find updates about your course schedule on Brightspace regularly.

Attendance is extremely important for full engagement in this course. Your presence and active engagement are expected to have a collective discussion. I strongly encourage you to discuss with me any circumstances that may affect your attendance & participation in class. It is expected that you will join the class having completed the assigned readings. Class time will be discussion-oriented and you should be prepared to discuss readings in both small and large group formats. Participation

points will be allocated based on active engagement with course content and peers; therefore, you will not get full marks for only showing up in the class. Participation points will be evaluated based on two components:

1: **Class attendance and discussion engagement (15%)**: I won't take attendance in each class, but I will have random in-class checks via pop-up discussion questions. You will get full marks if you engage in class discussions actively.

2: **Forum posts on Brightspace (5%)**: Prior to each week, I will be posting discussion questions related to the weekly reading(s) and you are expected to provide your responses or comments to the post, or you can add your own questions relevant to each week's topics or readings. Posts should be between 150-200 words. You are required to upload **five** posts to get the full participation. You will always have a week until Sunday night or Monday morning after the class to post your responses.

◇ **Reflection Papers (20% in total- 10% each)**

You are required to write two reflection papers on the weekly readings and seminar discussions that you choose. I highly encourage you to focus on the guest speakers and the film week. These reflection papers are not supposed to be summaries, but brief engagements with the guest speaker's discussion as well as assigned reading(s) for that week and/or concepts in the reading(s) of the week. No need to provide outside sources/citations. You are expected to reflect on what you learn from the discussion, any problematics and/or critiques that you might have, what questions the guest speaker's discussion or seminar discussion prompts for you in relation to the course readings/topics, or any examples and/or current debates relevant to the topics discussed in the class. Reflection papers should be no more than 500 words and they are due by **Monday 8am** the week after the class that your reflection is about.

◇ **Group Presentation of Readings (15%)**

Groups are required to prepare a brief presentation on one of the week's readings. I will create a sign-up sheet or doodle poll on Brightspace for you to sign up for a reading of your choice and you will have time to decide on which week's reading you will present on until **September 19**. After you make your choice, you are supposed to work with your group members who present on the same week as your own. Each member of the group will present one of the readings they choose and the group is required to prepare collectively at least three discussion questions related to the overall topic, readings, or current events relevant to the topic for the class. The discussion questions are to be emailed to me by one of the group members by **Sunday 5pm**. The group presentation should be no more than 20-25 minutes in total, so each group member will have about 5-7 minutes to present. The presentation should briefly introduce the text, might give some context on the text or author, discuss two or three issues raised in the text. The presentations cannot and should not aim to give a comprehensive summary or critique of the text. Further information will also be provided in the first seminar.

◇ **Research Paper Outline (10%)**

You are required to prepare an outline for the paper you plan to write as your final research paper. The outline should be about 2-3 pages and include the following elements: 1. Your research

question, 2. The rationale for investigating this question (i.e. explain why do you focus on this question?), 3. Thesis statement, 4. Tentative ideas about the kinds of arguments, positions or approaches you plan to present in the research paper, 5. An annotated bibliography of 5-7 academic sources with proper citation information. The annotations should indicate how you plan to use the source in question in relation to your chosen topic; you may include a copy of the abstract if one is available. A detailed assignment sheet will be posted on Brightspace. The research paper outline is due in-class on **November 7th**.

◇ **Research Paper (35%)**

You are required to submit a final research paper on a topic that builds and expands upon a topic covered in class, or a related topic. Topics or readings that are not directly related to the course are not acceptable. Please consult with me before the middle of the term if you are not sure about the topic of your paper. Further information will be posted on Brightspace. The final essay is due in-class on **December 16th**.

LATE PENALTIES AND REQUESTS FOR EXTENSIONS

In this seminar course, deadlines are set for different reasons including to stay on a track. If you experience any difficulties (medical or otherwise) to attend the classes or meet the deadlines, please contact me beforehand to discuss alternative options that can accommodate your requests. It is very important to come up with solutions that will be fair to every participant of this class. Asking for accommodations, you don't need to provide me with a detailed reason but only a hint that can help me to come up with an efficient plan for both parties. Depending on the reasons, we can modify the deadlines or provide you with reasonable extensions.

For longer extensions and requests to modify the assignment or evaluation structure, I might ask you to complete this form <https://carleton.ca/registrar/wp-content/uploads/self-declaration.pdf> and send it to me via email.

SCHEDULE

September 12

Week 1: Introduction

Immigration and Refugee Law: Cases, Materials and Commentary. Emond Montgomery Publication, 2020. Introduction, p. 1-41.

Walia, Harsha. 2021. "Dispossession, Deprivation, Displacement: Reframing the Global Migration Crisis," in *Border & Rule: Global Migration, Capitalism, and the Rise of Racist Nationalism*. Chicago: Haymarket Books: 61-74.

September 19**Week 2: Nation-state, Law and Border Construction**

Labman, Shauna and Jamie Chai Yun Liew. (2019) "Law and Moral Licensing in Canada: The Making of Illegality and Illegitimacy Along the Border." *International Journal of Migration and Border Studies* 5(3): 188-211.

Anderson, Bridget, Nandita Sharma, and Cynthia Wright. 2009. "Why No Borders?" *Refuge* 26(2): 5–18. Open access: <https://refuge.journals.yorku.ca/index.php/refuge/article/view/32074/29320> .

Scheel, Stephan, and Martina Tazzioli. 2022. "Who Is a Migrant? Abandoning the Nation-State Point of View in the Study of Migration." *Migration Politics* 1(1):002. doi: [10.21468/MigPol.1.1.002](https://doi.org/10.21468/MigPol.1.1.002).

Recommended:

Zolberg, A. R. (2012). Why Not the Whole World? Ethical Dilemmas of Immigration Policy. *The American Behavioral Scientist (Beverly Hills)*, 56(9), 1204–1222.
<https://doi.org/10.1177/0002764212443821>

September 26**Week 3: Refugee Determination Process: 'Inclusion vs. Exclusion'**

Satzewich, Vic. (2015) "Delegated Discretion," in *Points of Entry: How Canada's Immigration Officers Decide Who Gets In*. Vancouver: UBC Press, 37-58. (eBook online)

Sean Rehaag. "Judicial Review of Refugee Determinations (II): Revisiting the Luck of the Draw." *Queen's Law Journal* 45, no. 1 (2019): 1–36.

Atak, Idil, Graham Hudson, and Delphine Nakache. "Policing Canada's Refugee System: A Critical Analysis of the Canada Border Services Agency." *International Journal of Refugee Law* 31, no. 4 (2019): 464–491.

Guest Speaker and an Additional Reading: TBA

October 3**Week 4: Citizenship, Non-Citizenship and Precarious Legal Status**

Hari, Amrita. (2014) "Temporariness, Rights, and Citizenship: The Latest Chapter in Canada's Exclusionary Migration and Refugee History." *Refuge* 30(2): 35-44.

Birkvad, Simon Roland. 2019. "Immigrant Meanings of Citizenship: Mobility, Stability, and Recognition." *Citizenship Studies* 23(8): 798–814.

Nyers, Peter. (2015) "Migrant Citizenships and Autonomous Mobilities." *Migration, Mobility, & Displacement* 1(1): 22-37.

Recommended:

Walia, Harsha. 2010. "Transient Servitude: Migrant Labour in Canada and the Apartheid of Citizenship." *Race and Class* 52:71-84.

Goldring, Luin and Patricia Landolt. 2013. *Producing and Negotiating Non-Citizenship: Precarious Legal Status in Canada*. Toronto: University of Toronto Press. Chapter 1 (Pp. 3-27)

María Josefina Saldaña-Portillo. 2019. The Violence of Citizenship in the Making of Refugees: The United States and Central America. *Social Text* 37 (4 (141)): 1–21.

October 10

NO CLASS (Statutory Holiday)

October 17

Week 5: Statelessness, Displacement and Law

Liew, Jamie. (2020) "The Law's Broken Promises to Stateless Persons." *The Brown Journal of World Affairs* 26(2): 1-13.

Blum, Joshua. "When Law Forgets: Coherence and Memory in the Determination of Stateless Palestinian Refugee Claims in Canada." *International Journal of Refugee Law* 32, no. 2 (2020): 254–282.

Eliassi, Barzoo. "Statelessness in a World of Nation-States: The Cases of Kurdish Diasporas in Sweden and the UK." *Journal of Ethnic and Migration Studies* 42, no. 9 (2016): 1403–1419.

Dirik, Dilar. "Mexmûr: From Displacement to Self-determination" in *The Kurdish Women's Movement: History, Theory, Practice*. London: Pluto Press (2022): 156-169.

October 24

NO CLASS (READING WEEK)

October 31

Week 6:**Family, Membership and Belonging**

Harder, Lois. (2020) “‘Maternity Tourism’, Civic Integration and Jus Solis Citizenship in Canada.” *Revue Européenne des Migrations Internationales*. 36(4): 35-54.

Gaucher, Megan. *A Family Matter: Citizenship, Conjugal Relationships, and Canadian Immigration Policy*. Vancouver: UBC Press, 2018. (Ch.3, p. 75-98)

Joly, Yann et al. (2017) “DNA Testing for Family Reunification in Canada: Points to Consider.” *Journal of International Migration and Integration* 18(2): 391-404.

November 7**Week 7:****Rethinking Immigration and Settlement through Critical Race, Gender and Class Analyses**

Vargas. “Ghostly Others: Limiting Constructions of Deserving Subjects in Asylum Claims and Sanctuary Protection.” *Journal of International women’s studies*. 21 (7): 77–88.

Lee, Edward Ou Jin. “Tracing the Coloniality of Queer and Trans Migrations: Resituating Heterocisnormative Violence in the Global South and Encounters with Migrant Visa Ineligibility to Canada.” *Refuge (Toronto. English edition)* 34.1 (2018): 60–74.

Madokoro, Laura. (2017) “‘Belated Signing’: Race-Thinking and Canada’s Approach to the 1951 Convention Relating to the Status of Refugees,” in Laura Madokoro, Francine McKenzie and David Meren (eds.) *Dominion of Race: Rethinking Canada’s International History*. Vancouver: UBC Press, 160-182.

Walia, Harsha. 2010. “Transient Servitude: Migrant Labour in Canada and the Apartheid of Citizenship.” *Race and Class* 52:71-84.

Recommended:

Ferguson, Susan and David McNally. 2015. “Precarious Migrants: Gender, Race and the Social Reproduction of a Global Working Class.” *The Socialist Register* 51: 1-23.

November 14**Week 8:****Securitization of Borders and Criminalization of Migration**

Nath, Nisha. (2021) "Curated Hostilities and the Story of Abdoul Abdi: Relational Securitization in the Settler Colonial Racial State." *Citizenship Studies* 25(2): 292-315.

Walia, Harsha. 2021. "Bordering Regimes," in *Border & Rule: Global Migration, Capitalism, and the Rise of Racist Nationalism*. Chicago: Haymarket Books, p. 61-74.

Abji, Salina. "Punishing Survivors and Criminalizing Survivorship: A Feminist Intersectional Approach to Migrant Justice in the Crimmigration System." *Studies in social justice* 2020.14 (2020): 67–89.

Guest Speaker and an Additional Reading: TBA

November 21

Week 9:

Detention and Immigration

Moffette, David. (2021) "Immigration Status and Policing in Canada: Current Problems, Activist Strategies and Abolitionist Visions." *Citizenship Studies* 25(2): 273-291

Bourbeau, Philippe. "Detention and Immigration: Practices, Crimmigration, and Norms." *Migration Studies* 7.1 (2019): 83–99.

Kronick, Rachel, Cécile Rousseau, and Janet Cleveland. 2016. "They Cut Your Wings over Here ... You Can't Do Nothing: Voices of Children and Parents Held in Immigration Detention in Canada." in *Detaining the Immigrant Other: Global and Transnational Issues*, edited by R. Furman, D. Epps, and G. Lamphear. New York, NY: Oxford University Press: pp. 195–207

November 28

Week 10:

Resistance, Anti-Border Mobilization and Migrant Rights Advocacy

Abji, Salina, and Lindsay Larios. "Migrant Justice as Reproductive Justice: Birthright Citizenship and the Politics of Immigration Detention for Pregnant Women in Canada." *Citizenship studies* 25.2 (2021): 253–272.

Scott, Mac, and Sherry Thorpe. 2014. "Stay Relevant, Stay Radical: A Roundtable on the Solidarity City Movement in Canada," *Upping the Anti*. Issue 16.

<https://uppingtheanti.org/journal/article/stay-relevant-stay-real-stay-radical>

Mishra, Mohan, and Faria Kamal. 2018. "Regularization from the Ground Up: The Don't Ask Don't Tell Campaign." <https://noiireference.wordpress.com/resources/regularization-from-the-ground-up/>

Guest Speaker and an Additional Reading: TBA

December 5

Week 11:

Watch a Film & Discussion

Readings and The Film: TBA

December 9 (this class follows a Monday schedule)

Week 12:

Term Wrap-Up

No required readings

[The final essay is due on December 16]

University and Departmental Policies

DEPARTMENT POLICIES AND REGULATIONS

Please review the following webpage to ensure that your practices meet our Department's expectations, particularly regarding standard departmental protocols and academic integrity requirements: <https://carleton.ca/law/student-experience-resources/>.

PLAGIARISM

Plagiarism is presenting, whether intentional or not, the ideas, expression of ideas or work of others as one's own. Plagiarism includes reproducing or paraphrasing portions of someone else's published or unpublished material, regardless of the source, and presenting these as one's own without proper citation or reference to the original source. Examples of sources from which the ideas, expressions of ideas or works of others may be drawn from include but are not limited to: books, articles, papers, literary compositions and phrases, performance compositions, chemical compounds, art works, laboratory reports, research results, calculations and the results of calculations, diagrams, constructions, computer reports, computer code/software, and material on the Internet. Plagiarism is a serious offence. More information on the University's Academic Integrity Policy can be found at: <https://carleton.ca/registrar/academic-integrity/>.

ACADEMIC ACCOMMODATIONS

You may need special arrangements to meet your academic obligations during the term. For an accommodation request the processes are as follows:

Pregnancy Obligation

Write to me with any requests for academic accommodation during the first two weeks of class, or as soon as possible after the need for accommodation is known to exist. For accommodation regarding a formally-scheduled final exam, you must complete the [Pregnancy Accommodation Form](#).

Religious Obligation

Write to me with any requests for academic accommodation during the first two weeks of class, or as soon as possible after the need for accommodation is known to exist. For more details [click here](#).

Academic Accommodations for Students with Disabilities

[The Paul Menton Centre for Students with Disabilities](#) (PMC) provides services to students with Learning Disabilities (LD), psychiatric/mental health disabilities, Attention Deficit Hyperactivity Disorder (ADHD), Autism Spectrum Disorders (ASD), chronic medical conditions, and impairments in mobility, hearing, and vision. If you have a disability requiring academic

accommodations in this seminar course, please contact PMC at 613-520-6608 or pmc@carleton.ca for a formal evaluation. If you are already registered with the PMC, contact your PMC coordinator to send me your Letter of Accommodation at the beginning of the term, and no later than two weeks before the first in-class scheduled test or exam requiring accommodation (if applicable). After requesting accommodation from PMC, meet with me to ensure accommodation arrangements are made. Please consult the PMC website for the deadline to request accommodations for the formally-scheduled exam (if applicable).

Survivors of Sexual Violence

As a community, Carleton University is committed to maintaining a positive learning, working and living environment where sexual violence will not be tolerated, and where survivors are supported through academic accommodations as per Carleton's Sexual Violence Policy. For more information about the services available at the university and to obtain information about sexual violence and/or support, visit: <https://carleton.ca/equity/sexual-assault-support-services>

Accommodation for Student Activities

Carleton University recognizes the substantial benefits, both to the individual student and for the university, that result from a student participating in activities beyond the classroom experience. Reasonable accommodation must be provided to students who compete or perform at the national or international level. Please contact your instructor with any requests for academic accommodation during the first two weeks of class, or as soon as possible after the need for accommodation is known to exist. Read more here: <https://carleton.ca/senate/wp-content/uploads/Accommodation-for-Student-Activities-1.pdf>.

For more information on academic accommodation, please visit: <https://students.carleton.ca/services/accommodation/>.

COVID Update

It is important to remember that COVID is still present in Ottawa. The situation can change at any time and the risks of new variants and outbreaks are very real. There are [a number of actions you can take](#) to lower your risk and the risk you pose to those around you including being vaccinated, wearing a mask, staying home when you're sick, washing your hands and maintaining proper respiratory and cough etiquette.

Feeling sick? Remaining vigilant and not attending work or school when sick or with symptoms is critically important. If you feel ill or exhibit COVID-19 symptoms do not come to class or campus. If you feel ill or exhibit symptoms while on campus or in class, please leave campus immediately. In all situations, you must follow Carleton's [symptom reporting protocols](#).

Masks: Carleton has paused the [COVID-19 Mask Policy](#), but continues to strongly recommend masking when indoors, particularly if physical distancing cannot be maintained. It may become necessary to quickly reinstate the mask requirement if pandemic circumstances were to change.

Vaccines: Further, while proof of vaccination is no longer required as of May 1 to attend campus or in-person activity, it may become necessary for the University to bring back proof of vaccination requirements on short notice if the situation and public health advice changes. Students are strongly encouraged to get a full course of vaccination, including booster doses as soon as they are eligible, and submit their booster dose information in [cuScreen](#) as soon as possible. Please note that Carleton cannot guarantee that it will be able to offer virtual or hybrid learning options for those who are unable to attend the campus.

All members of the Carleton community are required to follow requirements and guidelines regarding health and safety which may change from time to time. For the most recent information about Carleton's COVID-19 response and health and safety requirements please see the [University's COVID-19 website](#) and review the [Frequently Asked Questions \(FAQs\)](#). Should you have additional questions after reviewing, please contact covidinfo@carleton.ca.